

CHAPTER 4 ANIMAL CONTROL ORDINANCE

- 4-1 Purpose of Chapter
- 4-2 Statutory Authority
- 4-3 Definitions
- 4-4 Requirements, Restrictions, and Prohibitions
- 4-5 Impoundment
- 4-6 Civil Designation
- 4-7 Penalties
- 4-8 Enforcement
- 4-9 Severability

4-1 Purpose of Chapter

This Ordinance has been adopted for the purpose of protecting public health, safety, order, and the residents' right to the quiet enjoyment of their property. The regulations set forth herein seek to achieve the aforementioned objectives by promoting the responsible care and supervision of domestic pets and wolf-hybrids within the Town by their owners.

4-2 Statutory Authority

This Ordinance has been promulgated under the authority granted the Town's Legislative Body by 20 V.S.A. § 3549 and 24 V.S.A. § 2291 (10).

4-3 Definitions

- a. *Dog* - A male or female of the canine species.
- b. *Domestic Pet* - Any domestic dog, domestic cat or ferret, or other domestic animals so designated by the Commissioner of Agriculture.
- c. *At-Large* - A domestic pet or wolf-hybrid not on the premises of its owner and not restrained or under the direct control of its owner or the owner's agent.
- d. *Issuing Officials* - The Town officials authorized to issue complaints in the enforcement of this Ordinance.
- e. *Owner* - Any person, firm, association, or corporation owning, keeping or harboring a domestic pet or wolf-hybrid. The person who last obtained a license for the animal shall be deemed the owner unless the person who last obtained a license provides documentary proof that ownership has changed. The owner shall be accountable for the actions of the animal unless the owner provides sufficient proof that, at the relevant time, the owner had entrusted custody of the domestic pet to a keeper who is a competent adult. In such case, the keeper shall be deemed the owner for purposes of this ordinance, provided that owner shall be liable for any violation of an order of the Selectboard issued under this ordinance regardless of whether at the time of violation the domestic pet or wolf-hybrid is in the custody of another competent adult*.
- f. *Wolf-Hybrid* - An animal which is the progeny or descendant of a domestic dog and a wolf.

* 8/30/99 Amendment adopted further defining Owner.

4-4 Requirements, Restrictions, and Prohibitions

- a. Licensing - Every dog or wolf-hybrid owner shall annually license said animal in accordance with the provisions of 20 V.S.A., Chapter 193, Subchapter 2. The fee for a license shall include a \$2.00 surcharge above the license fee required by State Statute to offset animal control expenses incurred by the Town.**
- b. Immunization - All domestic pets and wolf-hybrid owners shall have their animals inoculated against rabies in accordance with 20 V.S.A. § 3581, 20 V.S.A. § 3581(a) and any rules adopted by the Commissioner of Agriculture.**
- c. Running-at-large - Neither domestic pets nor wolf-hybrids shall lawfully run-at-large.**
- d. Vicious Animals - It shall be unlawful for a domestic pet or wolf-hybrid to attack and/or bite a person or an animal.**
- e. Disturbances - It shall be unlawful for any dog or wolf-hybrid owner to allow his/her dog or wolf-hybrid to habitually bark or howl so that the comfort or repose of persons in the vicinity is disturbed.**
- f. Defecation - Any dog or wolf-hybrid owner shall immediately clean-up, and properly dispose of, the defecation from his/her dog or wolf hybrid, when said animal defecates on public property, or private property of another.**

4-5 Impoundment

- a. Reasons for Impoundment - An enforcement officer may impound domestic pets and wolf-hybrids at a Town -designated impoundment facility for the following reasons:**

- 1. A violation of Subsection 4-4a, Subsection 4-4b, Subsection 4-4c, or Subsection 4-4d.***
- 2. If such an animal is suspected of having rabies or has an unknown rabies vaccination history.**
- 3. A violation of an order issued under this ordinance.**

- b. Impoundment Procedures**

- 1. The Town official who impounds a domestic pet or wolf-hybrid shall notify the owner that his/her animal has been impounded within twenty-four (24) hours of said impoundment. If the owner is unknown, the official shall post a notice in the Police Station and the Town Clerk's office, for a period of seven days, describing the impounded animal, and stating when and where said animal was apprehended.**

*** 8/30/99 Amendment adopted to enable the Animal Warden to impound a dog when said dog attacks another animal.**

2. The owner may redeem the domestic pet or wolf-hybrid from the impoundment facility by:

- i. paying when due all impoundment fees that the facility may charge for boarding and caring for the animal;**
- ii. inoculating his/her domestic pet or wolf-hybrid against rabies, if the owner cannot provide proof that said animal has been properly immunized;**
- iii. licensing his/her animal (dog or wolf-hybrid only), if said animal has not been properly licensed.; and**
- iv. satisfying the Animal Warden that the domestic pet or wolf-hybrid is not a threat to animals or humans.**

3. Domestic pets or wolf-hybrids that are not redeemed by their owners after seven days of impoundment, and are not accepted by the Bennington County Humane Society, may be humanely destroyed. However, if an animal is detained under Section 4-5(b)(2)(iv), it shall not be destroyed unless the owner fails to pay impoundment fees when due. An owner who wishes to contest the decision of the Animal Warden to continue to impound an animal under authority of Section 4-5(b)(2), may file a written complaint with the Selectboard. The Selectboard shall hold a hearing on this complaint and may issue such order as found just, which may include release of the animal, continued impoundment at the owner's expense for up to 60 additional days, or require that the animal be muzzled, chained or confined after release. An owner who fails to comply with the terms of such order shall be subject to a fine of \$500 for each violation, with a waiver fee of \$350, as well as injunctive relief.

c. Rabies Suspect - Any domestic pet or wolf-hybrid which is considered a rabies suspect shall be managed in accordance with the rules of the Department of Health. The owner of an animal suspected of having rabies shall reimburse the Town for all costs incurred in conjunction with the impoundment, evaluation, care, and/or disposition of the subject animal.

4-6 Civil Designation

A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. § 1974a and 1977 et seq.

4-7 Penalties

a. Violation of Subsection 4-4a (Licensing) - A penalty of \$40.00 shall be imposed for the initial violation of Subsection 4-4a of this Ordinance. The penalty for the second offense within a two-year period shall be \$60.00, and the penalty for three or more offenses within a two-year period shall be \$125.00. The waiver fee shall be established at \$25.00 for the first offense, \$40.00 for the second offense within a two-year period, and \$80.00 for all subsequent offenses within a two-year period*.

*** 8/30/99 Amendment adopted increasing fines.**

b. Violation of Subsection 4-4b (Immunization) - A penalty of \$60.00 shall be imposed for the initial violation of Subsection 4-4b of this Ordinance. The penalty for the second offense within a two-year period shall be \$125.00, and the penalty for three or more offenses within a two-year period shall be \$250.00. The waiver fee shall be established at \$40.00 for the first offense, \$65.00 for the second offense within a two-year period, and \$150.00 for all subsequent offenses within a two-year period*.

c. Violation of Subsection 4-4c (Running At-Large) - A penalty of \$50.00 shall be imposed for the initial violation of Subsection 4-4c of this Ordinance. The penalty for the second offense within a two-year period shall be \$75.00, and the penalty for three or more offenses within a two-year period shall be \$100.00. The waiver fee shall be established at \$25.00 for the first offense, \$40.00 for the second offense within a two-year period, and \$60.00 for all subsequent offenses within a two-year period*.

d. Violation of Subsection 4-4d (Vicious Animals) - A penalty of \$125.00 shall be imposed for the initial violation of Subsection 4-4d of this Ordinance. The penalty for the second offense within a two-year period shall be \$250.00, and the penalty for three or more offenses within a two-year period shall be \$500.00. The waiver fee shall be established at \$75.00 for the first offense, \$150.00 for the second offense within a two-year period, and \$300.00 for all subsequent offenses within a two-year period.*

1. In addition, with respect to domestic pets or wolf-hybrids that have bitten a human being, the Selectboard may issue an order, in accordance with the procedures and authority set forth in 20 V.S.A. § 3546, to have the animal muzzled, chained, confined, or humanely destroyed.

2. In addition, with respect to domestic pets or wolf-hybrids that have bitten an animal, the Selectboard may issue an order to have the domestic pet or wolf-hybrid muzzled, chained or confined in accordance with the following procedures:**

i. When a domestic pet or wolf-hybrid has bitten an animal while off the premises of the owner or keeper, the owner or keeper of the animal that was bitten may file a written complaint with the Selectboard. The complaint shall contain the time, date and place where the attack occurred, the name and address of the owner or keeper of the domestic pet alleged to have perpetrated the attack, if known, and any other facts that may assist the Selectboard in conducting an investigation.

ii. The Selectboard, within seven days from receipt of the complaint, shall investigate the charges and as soon as practical thereafter hold a hearing on the matter. If the owner of the domestic pet or wolf-hybrid which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.

*** 8/30/99 Amendment adopted increasing fines.**

**** 8/30/99 Amendments adopted that enable the Selectboard to issue an order to chain, muzzle or confine a vicious dog that attacks another animal.**

iii. If the domestic pet or wolf-hybrid is found to have bitten the animal without provocation, the Selectboard shall make such order for the protection of animals or persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet or wolf-hybrid is muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested. An owner who, after receiving notice, fails to comply with the terms of the order shall be subject to a fine of \$500 for each violation, with a waiver fee of \$350, as well as injunctive relief.

e. Violation of Subsection 4-4e (Disturbances) - A penalty of \$50.00 shall be imposed for the initial violation of Subsection 4-4e of this Ordinance. The penalty for the second offense within a two-year period shall be \$100.00, and the penalty for three or more offenses within a two-year period shall be \$200.00. The waiver fee shall be established at \$40.00 for the first offense, \$75.00 for the second offense within a two-year period, and \$150.00 for all subsequent offenses within a two-year period*.

f. Violation of Subsection 4-4f (Defecation) - A penalty of \$50.00 shall be imposed for the initial violation of Subsection 4-4e of this Ordinance. The penalty for the second offense within a two-year period shall be \$125.00, and the penalty for three or more offenses within a two-year period shall be \$300.00. The waiver fee shall be established at \$40.00 for the first offense, \$75.00 for the second offense within a two-year period, and \$200.00 for all subsequent offenses within a two-year period**.

4-8 Enforcement

Issuing officials authorized to enforce this Ordinance shall be any Manchester Police Officer and the Town's Animal Warden.

4-9 Severability

If any provision within this Ordinance is for any reason held to be invalid, such action shall not affect the validity of the remaining provisions of this Ordinance.

Adopted	2/21/95
Effective	4/22/95
Amended	8/30/99
Effective	10/29/99

* 8/30/99 Amendment adopted to increase fine.

** 8/30/99 Amendment adopted to calling for new "pooper-scooper" penalty.